

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

ANGEL FERRER

a/k/a

GARY MICHAEL KING,

Plaintiff,

v.

**9:13-CV-0031
(NAM/ATB)**

BRIAN FISCHER, et al.,

Defendants.

APPEARANCES:

OF COUNSEL:

ANGEL FERRER

a/k/a

Gary Michael King

c/o Lee Anne King

83 Clay Street, Apt. 3R

Brooklyn, NY 11222

Plaintiff, *pro se*

HON. ERIC T. SCHNEIDERMAN

Attorney General of the

State of New York

The Capitol

Albany, NY 12224

Attorney for Defendants

GREGORY J. RODRIGUEZ, ESQ.

Assistant Attorney General

NORMAN A. MORDUE, SENIOR U. S. DISTRICT JUDGE

ORDER

The above matter comes to me following a Report-Recommendation by Magistrate Judge Andrew T. Baxter, duly filed on the 9th day of April 2014. Following fourteen (14) days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties

herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is


ORDERED that:

1. The Report-Recommendation is hereby adopted in its entirety.
2. The defendants' motion to dismiss (Dkt. No. 19) is denied.
3. The Clerk of the Court shall serve a copy of this Order upon all parties and the

Magistrate Judge assigned to this case. Plaintiff shall be served by certified mail, return receipt requested.

IT IS SO ORDERED.

Dated: May 1, 2014
Syracuse, New York


Norman A. Mordue
Senior U.S. District Judge